

**REMARKS**

With the entry of the amendments above, claims 95-118 are currently under consideration. The amendment or cancellation of claims above is without prejudice and does not constitute a dedication to the public of any of the subject matter of the claims as previously presented. Applicant reserves the right to prosecute amended or cancelled claims in related applications.

Support for new claims 95 and 98 can be found at least at page 3, lines 7-15; page 4, lines 8-10; page 9, lines 25-29; and page 10, lines 18-20. Support for claim 96 can be found at least at the paragraph bridging pages 2-3; support for claim 97 can be found at least at page 21, lines 3-6. Support for claims 99 and 100 can be found at least at the paragraph bridging pages 19-20 and at page 21, lines 3-5. Support for claims 101 to 105 can be found at least at page 3, lines 20-21. Support for claims 106 to 110 can be found at least at page 4, line 21 through page 5, line 20 and pages 18 to 19. Support for claims 111 to 118 can be found at least at page 17, lines 1-21 and page 19, line 22 through page 22, line 10.

Applicant thanks the Examiner for his withdrawal of the objection to the drawings and the rejection of claims 10, 11, 12 and 21 as anticipated by Maeda.

Applicant acknowledges the restriction requirement in the parent application and respectfully requests rejoinder and allowance of method claims that recite all the limitations of allowed composition claims in accordance with the practice prescribed by *In re Ochiai* and MPEP 806.05(h). In applicant's view, method claims 106-118 are entitled to such rejoinder with their linked product claims 95-105 upon allowance of the product claims.

Claims 80, 81, 90, 91, 93, and 94 stand rejected under 35 USC 112, second paragraph, as indefinite on the ground, as the Examiner alleges, that no reference sequence is provided in the specification. Without acquiescing to the rejection of claims, and in an effort to expedite prosecution, the rejected claims are canceled. The rejection is moot as to them. Applicant respectfully traverses this rejection as it might apply to new claims 95 to 118. The reference

sequence, GenBank accession number U66559, is provided in the specification at least at page 11, lines 22-23; is incorporated by reference at page 27, lines 15-21; and is recited in the pending claims. Applicant submits that the pending claims are in compliance with 35 USC 112, second paragraph and requests withdrawal of this rejection.

Claims 10-17, 21-23, and 69-94 stand rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the recombinant human pleiotrophin receptor protein ALK comprising one or more but not all regions selected from the group consisting of an extracellular domain (ECD), an intracellular domain (ICD), a pleiotrophin binding site, a transmembrane domain, and combinations thereof as well as compositions thereof, allegedly does not reasonably provide enablement for other variants, fragments, domains, or peptide-mimetics as well as compositions thereof as set forth in the previous Action of July 26, 2004. Applicant respectfully traverses this rejection.

Applicant has canceled claims 10-17, 21-23, and 69-94, without prejudice, to expedite prosecution. New claims 95-118 recite, in part, a polypeptide comprising a portion but not all of the ECD of ALK having GenBank Accession Number U66559, wherein said portion comprises amino acid positions 368 to 447. Since the Examiner acknowledges in the Action at page 3 that the specification is enabling for the ECD of ALK, the pending claims are in compliance with the enablement requirement of 35 USC 112, first paragraph, and applicant requests withdrawal of this rejection.

Claims 10-17, 21-23, and 69-94 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly lacking a written description in the original disclosure of the application as filed, for the reasons as set forth in the previous Action of July 26, 2004. Applicant respectfully traverses this rejection.

As noted above, applicant has canceled claims 10-17, 21-23, and 69-94, without prejudice, to expedite prosecution. New claims 95-118 comply with the written description requirement of 35

USC 112, first paragraph. For example, claim 95 recites a polypeptide comprising a portion but not all of the extracellular domain of anaplastic lymphoma kinase (ALK) having GenBank accession number U66559, wherein said portion comprises amino acid positions 368 to 447, and wherein said polypeptide is capable of binding pleiotrophin (PTN). Written description support for claim 95 can be found in the specification at least at page 3, lines 7 to 9; page 4, lines 8-11; and page 10, lines 18-20. See also the paragraph bridging pages 2-3. PTN binding portions of ALK are described in the specification at least at page 9, lines 24-29. Compositions comprising the polypeptides of claims 95 to 100 are described at least at page 3, lines 20-21. Method claims requested for rejoinder are also described throughout the specification. Applicant submits that claims 95-118 are in compliance with the written description of 35 USC 112, first paragraph, and requests withdrawal of this rejection.

Claims 1-22 and 69-94 stand rejected as allegedly anticipated by Iwahara. The rejected claims are cancelled without prejudice, to expedite prosecution. Applicant respectfully traverses this rejection as it might be applied to new claims. Iwahara simply does not teach each and every element of the claimed invention and therefore, as a matter of law, can not anticipate the claimed invention. Iwahara discloses the cloning of ALK and does not teach or suggest the identification of any ligand for ALK. See Iwahara page 447, right column, which states, "At present, we do not know anything about the ligand for ALK". This disclosure could not be clearer. Iwahara similarly does not teach or suggest a polypeptide comprising a portion but not all of the ECD of ALK, wherein said portion comprises amino acid positions 368 to 447, that is capable of binding pleiotrophin (PTN) as set forth in the new claims above. Therefore, Iwahara cannot anticipate the claimed invention. Applicant requests withdrawal of this rejection.

In view of the above, each of the claims in this application is in condition for allowance. If the Examiner considers that a telephone conference would expedite the prosecution of this

application, the Examiner is invited to telephone the undersigned to discuss whatever might be necessary to expedite allowance of this application.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 544582000200.

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Respectfully submitted,

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